

December 11, 2005
Case No. GP-304072 (2760/142)
Serial No.: 10/691,281
Filed: October 22, 2003
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REMARKS

Oath. The Applicant is in the process of obtaining a new oath free of the previous defects noted by Examiner Gibson in the Non-Final Office Action.

Claims 1-19. In the Final Office Action, Examiner Gibson rejected pending claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,127,947 A to *Uchida* et al. in view of U.S. Patent No. 6,687,587 B2 to *Kacel*. The Applicant has thoroughly considered Examiner Gibson's remarks concerning the patentability of claims 1-17 over *Uchida* in view of *Kacel*. The Applicant has also thoroughly read *Uchida* and *Kacel*. To warrant this obviousness rejection, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to modify *Uchida* in view of *Kacel* as proposed by Examiner Gibson. The Applicant traverses this obviousness rejection, because there is a lack of a suggestion or motivation to modify *Uchida* in view of *Kacel* to include "wherein the field service update data includes data selected from a group consisting of executable routines, update event triggers, and software module lists" as recited in independent claims 1, 11 and 17.

Specifically, as shown in FIG. 1, *Uchida* is premised on storing operating and application programs in a ROM 56 and on storing parameters for setting conditions for a speaker 62, an illuminance sensor 64, a suspension 66, a wiper 68 and a meter 70 in a E²PROM 14. *Uchida* is further premised on updating only the storing parameters via a telematics unit 17 as shown in FIG. 7. See, *Uchida* at column 13, line 59 to column 14, line 51; and column 19, line 42 to column 20, line 36. Thus, it is clear that *Uchida* intended two separate memories components to ensure only the parameters for setting conditions would be updated via telematics unit 17. As such, *Uchida* negates any motivation or suggestion to modify *Uchida* in view of *Kacel*.

Withdrawal of the rejection of claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over *Uchida* in view of *Kacel* is therefore respectfully requested.

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SUMMARY


The Applicant respectfully submits that pending claims 1-19 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Gibson is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **December 11, 2005**

Respectfully submitted,
JEFFREY M. STEFAN, *et al.*

GENERAL MOTORS CORPORATION
General Motors Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
Detroit, Michigan 48265-3000
313/665-4714

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Darrin Wesley Harris
Registration No. 40,636
Attorney for Applicant